

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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NICHOLAS JAMES WILLING,

Case No. 2:14-cv-01194-RFB-CWH

Plaintiff,

ORDER

v.

BRIAN E. WILLIAMS, SR., et al.,

Defendants.

This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner. On November 13, 2015, this court granted petitioner's motion for counsel and appointed the Federal Public Defender to represent petitioner in this action (ECF No. 37). On December 16, 2015, Thomas Lee of the Federal Public Defender's Office appeared on behalf of petitioner (ECF No. 38). The court now sets a schedule for further proceedings in this action.

IT IS THEREFORE ORDERED that counsel for petitioner shall meet with petitioner as soon as reasonably possible, if counsel has not already done so, to: (a) review the procedures applicable in cases under 28 U.S.C. § 2254; (b) discuss and explore with petitioner, as fully as possible, the potential grounds for habeas corpus relief in petitioner's case; and (c) advise petitioner that all possible grounds for habeas corpus relief must be raised at this time in this action and that the failure to do so will likely result in any omitted grounds being barred from future review.

IT IS FURTHER ORDERED that petitioner shall have **ninety (90) days** from the date of this order to FILE AND SERVE on respondents a second amended petition for

1 writ of habeas corpus, if any, which shall include all known grounds for relief (both
2 exhausted and unexhausted).

3 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45) days**
4 after service of a second amended petition within which to answer, or otherwise
5 respond to, the amended petition. If petitioner does not file a second amended petition,
6 respondents shall have forty-five (45) days from the date on which the amended petition
7 is due within which to answer, or otherwise respond to, petitioner's operative petition.

8 **IT IS FURTHER ORDERED** that, if and when respondents file an answer or
9 other responsive pleading, petitioner shall have **thirty (30) days** after service of the
10 answer or responsive pleading to file and serve his response.

11 **IT IS FURTHER ORDERED** that any state court record exhibits filed by the
12 parties herein shall be filed with an index of exhibits identifying the exhibits by number
13 or letter. The CM/ECF attachments that are filed shall further be identified by the
14 number or numbers (or letter or letters) of the exhibits in the attachment.

15 **IT IS FURTHER ORDERED** that the parties **SHALL SEND** courtesy copies of all
16 exhibits to the Reno Division of this court. **While the Local Rules provide that**
17 **parties should send paper courtesy copies of filings over fifty pages, in this**
18 **instance, courtesy copies may be in paper form or as PDF documents saved to a**
19 **CD—so long as each PDF is clearly identified by exhibit number.** Courtesy copies
20 shall be mailed to the Clerk of Court, 400 S. Virginia St., Reno, NV, 89501, and directed
21 to the attention of "Staff Attorney" on the outside of the mailing address label.
22 Additionally, in the future, all parties shall provide courtesy copies of any additional
23 exhibits submitted to the court in this case, in the manner described above.

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25 DATED: 29 January 2016.



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27 RICHARD F. BOULWARE, II
28 UNITED STATES DISTRICT JUDGE